



SP00-386

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE E. BERKEY, et al.

Serial No: 10/023,291

Examiner: John M. Hoffmann

Filed: 12/14/2001

Group Art Unit: 1731

For: LOW WATER PEAK OPTICAL
WAVEGUIDE FIBER

TERMINAL DISCLAIMER
PURSUANT TO 35 U.S.C. § 253 AND 37 C.F.R. § 1.321(a)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Joseph M. Homa, an attorney/agent of record for the above-captioned application,
hereby declare that:

To the best of my knowledge and belief Corning Incorporated, duly organized under
the laws of the State of New York and having its principal place of business at Riverfront
Plaza, Corning, New York 14831, is the only assignee of the entire right, title and interest in
and to the above-captioned application, Serial No.10/023,291, filed 12/14/2001, for LOW
WATER PEAK OPTICAL WAVEGUIDE FIBER, in the name of Corning Incorporated, as
indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at
Reel No. 012806, Frame Nos. 0130 and is and at all times was the only assignee of U.S.
Patent No. 6,477,305, for LOW WATER PEAK OPTICAL WAVEGUIDE AND METHOD
OF MANUFACTURING SAME in the name of Corning Incorporated, as indicated by
assignment(s) duly recorded in the U.S. Patent and Trademark Office at Reel No. 010757,
Frame No. 0063. I further represent that I have reviewed the evidentiary documents

establishing the assignments and certify, that to the best of my knowledge and belief, title to the above-captioned application and the United States Patent No. 6,477,305 are in Corning Incorporated.

To obviate a double patenting rejection, Petitioner, Corning Incorporated, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-captioned application, Serial No.10/023,291, which would extend beyond the expiration date of the full statutory term, including any extensions of the original term, including those defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. 6,477,305, issued on November 5, 2002. As used herein, the term "extension" includes the increase in the seventeen year term of patents under the Uruguay Round Agreement Act, as well as other extensions granted in the future. Petitioner hereby further agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,477,305, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any part of any patent granted on the above-captioned application, Serial No.10/023291, prior to the end of the full statutory term of U.S. Patent No. 6,477,305, in the event that the later patent expires prior to its full statutory term by reason of, for example, failure to pay a maintenance fee, a holding of unenforceability, a holding of invalidity, the filing of a statutory disclaimer in whole or in part under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), or cancellation of all claims by a reexamination certificate.

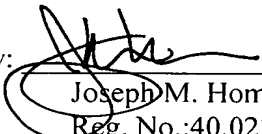
In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is authorized by Corning Incorporated to be charged as well as any additional fees

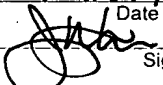
due in connection with the filing of this response to our Deposit Account No. 03-3325. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Corning Incorporated.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: MARCH 9, 2004

By: 
Joseph M. Homa
Reg. No.: 40,023
Corning Incorporated
SP-TI-3-1
Corning, NY 14831
607-974-9061

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on <u>March 9, 2004</u> Date of Deposit <u></u> Signature
--